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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/385,336	08/30/1999	BRIAN J. ROBERTS	3345-2180	9002

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EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 11/21/2003

28

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/385,336

Applicant(s)
Roberts et al.

Examiner
Clark F. Dexter

Art Unit
3724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 22, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-26, 28, 30-34, 38-40, and 42-49 is/are pending in the application.
- 4a) Of the above, claim(s) 3-6, 9-26, 28, 30-34, and 40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 7, 8, 38, 39, and 42-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

1. The amendment filed August 22, 2003 has been entered. The indicated allowability of the claims is withdrawn in view of the newly discovered reference(s) to Traise, pn 5,853,117. Rejections based on the newly cited reference(s) follow. The Examiner sincerely regrets any inconvenience caused by this action and accordingly, this Office action is being made **non-final**.

Claim Rejections - 35 USC § 102/103

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 42-49 are rejected under 35 U.S.C. 102(e) as anticipated by Traise, pn 5,853,117 (hereafter Traise '117) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Traise, pn 5,853,117 (hereafter Traise '117) in view of Hartman, pn 4,716,799 and/or Pfeiffer, pn 4,949,606.

Traise '117 discloses an apparatus (e.g., see Fig. 7) with every structural limitation of the claimed invention including a strip of "tickets"; and a separator/drive module comprising a rotary separator member (e.g., 8), a first ticket drive device (e.g., 12, 14), a second ticket drive device (e.g., 30, 32), and a controller (e.g., "C"), wherein the controller is of a configuration that is fully capable of performing the recited function set forth in the last paragraph of claims 43 and 46.

In the alternative, if it is argued that Traise '117 does not explicitly disclose a housing as claimed including an inlet opening and an outlet opening, the Examiner takes Official notice that such housings are old and well known in the art and provide various well known benefits including protecting the operating structure from the environment while permitting work to pass therethrough. Hartman and Pfeiffer disclose just some examples of the various known housing configurations. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a housing on the apparatus disclosed by Traise '117 for the well known benefits including those described above.

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Further in the alternative, regarding claims 42 and 49, if it is argued that Traise '117 does not explicitly disclose the configuration of the separator member, specifically that it is helical shaped, the Examiner takes Official notice that such blade configurations are old and well known in the art and provide various well known benefits including facilitating a progressive interaction with the workpiece to reduce the stress on the blade and the blade drive structure and thus to provide for a smooth, efficient cutting/separating operation. Traise '117 provides at least one example of such helical shaped blades. Therefore, it would have been obvious to one having ordinary skill in the art to make the edge of the rotary breaker bar (e.g., 80) of Traise '117 helical shaped for the well known benefits including those described above.

Claim Rejections - 35 USC § 103

5. Claims 2, 7, 8, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burr, pn 5,222,624 in view of Bittner et al., pn 5,290,033 and Traise, pn 5,853,117.

Burr '624 discloses an apparatus with almost every structural limitation of the claimed invention including a housing (e.g., 12), a currency acceptor device (e.g., 22), and credit display means (e.g., 30), but lacks (a) a detector means for detecting a winning amount displayed on a ticket, (b) a credit means for increasing the number of credits corresponding to the winning amount, and (c) the specific type of dispensing means including a separator member, wherein the separator member includes at least one dull helical separator member.

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Regarding (a) and (b), the Examiner takes Official notice that such detector means and credit means are old and well known in the art as evidenced by Bittner and provide various known benefits including providing a self-operating device that does not require the attention of a salesperson. Therefore, it would have been obvious to one having ordinary skill in the art to provide the claimed detector means and credit means on the apparatus of Burr for the well known benefits including those described above.

Regarding (c), Burr discloses a rotary bursting wheel (e.g., 152) for separating the tickets along the perforation line and thus lacks the specific separator member configuration. Traise '117 discloses such a separator member (e.g., see Fig. 7) and teaches that such a configuration achieves higher throughput, improved reliability and longer life for the system. Therefore, it would have been obvious to one having ordinary skill in the art to provide the specific separator member configuration of Traise '117 on the apparatus of Burr for the reasons taught by Traise '117 including those described above.

Regarding claims 2 and 38, if it is argued that Burr does not explicitly disclose the specific type of tickets claimed, the Examiner takes Official notice that such tickets are old and well known in the art for various known benefits including providing a desired game format. Therefore, it would have been obvious to one having ordinary skill in the art to provide such types of tickets in the apparatus of Burr for the well known benefits including that described above.

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Remarks

6. Applicant is invited to contact the Examiner to discuss any questions or to request further clarification of the rejections, and to propose/discuss language that may distinguish the present invention over the prior art of record.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers Technology Center 3700 are: after-final responses - (703)872-9303; other formal/official papers - (703)872-9302. The fax number for informal/draft papers - (703)305-9835.



**Clark F. Dexter
Primary Examiner
Art Unit 3724**

cf
November 17, 2003